

Article 8: Housing

Division 1: Housing Code (*"Housing Code"* *added 9-30-1985 by O-16511 N.S.*)

§98.0101 Designation, Scope and Definitions of the San Diego Housing Code

- (a) Designation. Chapter IX, Article 8, Division 1 of this Code, together with the specified provisions of the State Housing Law, California Code of Regulations and Uniform Housing Code as adopted shall be known as the Housing Code for the City of San Diego.
- (b) Scope. The requirements of this Division apply to the use, maintenance and occupancy of any Residential Occupancy approved for construction before or after adoption of this Division.
- (c) Definitions. The definitions contained in the California Building Code as adopted in Section 91.0101, the Uniform Housing Code as adopted in Section 98.0103, the definitions contained in Chapters I, IX and X of the Municipal Code, and the following definitions apply to the administration and enforcement of this Division:

"Director" means the Director of the Neighborhood Code Compliance Department or any other official designated by the City Manager.

"Housing Regulated Business" means each Residential Occupancy and related activities as defined in Section 98.0101 for which a business tax is required to be paid pursuant to Section 31.0305(a) of the Municipal Code. "Housing Regulated Business" also means each residential apartment dwelling owned under a condominium form of ownership.

"Owner" means the property owner as determined by the most current records of the County Assessor's Office, except "Owner" means the homeowners' association when a form of condominium ownership exists.

"Residential Occupancy" means a building, structure, accessory structure or portion thereof constructed, used or intended for use as a place of human habitation. The term includes hotels, motels, mobile homes, lodging or boarding houses, apartment houses, congregate residences, or single family or multiple family dwellings or housekeeping units.

(Amended 7-19-1999 by O-18656 N.S.)

§98.0102 Enforcement Responsibility

Pursuant to the provisions of Division 13, Part 1.5, Chapter 5, Article 1, Section 17964 of the Health and Safety Code of the State of California, the Director of the Neighborhood Code Compliance Department is charged with the responsibility of enforcing the Housing Code for the City of San Diego and applicable provisions of the State Housing Law.

(Retitled to "Enforcement Responsibility and amended 8-10-1993 by O-17959 N.S.)

§98.0103 State Housing Law Regulations Adopted

The provisions of Article 5, Division 1, Chapter 1, Subchapter 1, Title 25, California Code of Regulations, on file in the office of the City Clerk as Document No. 769796, together with the provisions of Chapter 8 and Section 201.3 of the Uniform Housing Code, 1997 Edition, a copy of which is on file in the office of the City Clerk as Document No. 769794 are hereby adopted and made a part of this Division as if fully set forth.

(Amended 7-19-1999 by O-18656 N.S.)

§98.0104 Authority of the Director

- (a) The Director and any of his or her designated Enforcement Officials may exercise any enforcement powers as set forth in Division 1, Article 2 of Chapter 1 and Division 2, Article 1 of Chapter 9 of this Code.
- (b) In addition to those enforcement powers enumerated in Section 98.0104(a), the Director and designated Enforcement Officials may enter any Residential Occupancy during reasonable hours or at any time extreme danger exists for the purpose of making an inspection or reinspection and to test any electrical, plumbing or mechanical systems, devices, appliances or equipment.
- (c) The Director has the authority to turn off, cut, disconnect or otherwise discontinue the use of any wire, system or equipment in cases found to be dangerous to life or property because they are defective or installed in violation of applicable codes.
- (d) The Director has the authority to withhold gas and electric utilities to any Residential Occupancy in which a hazard or violation of this Division exists until the hazard or violation is eliminated and the Residential Occupancy is reinspected.

- (e) The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.
(Retitled to "Authority of the Director" and amended 8-10-1993 by O-17959 N.S.)

§98.0105 Housing Advisory and Appeals Board

- (a) **General Provisions.** There is hereby created a Housing Advisory and Appeals Board consisting of five members who are qualified by experience and training to pass upon matters pertaining to the safety and adequacy of housing. The members of the Board shall be appointed in accordance with Section 43 of the Charter of the City of San Diego, for two-year terms and until their successors have been appointed and qualified. The tenure of appointees shall be so scheduled that no more than three terms shall expire in any year. The Board shall select a chairperson from its membership annually, unless a chairperson is appointed by the Mayor. The Director or his or her appointed representative shall act as secretary to the Board but shall have no vote.
- (b) **Duties of the Board.** The Board shall advise on reasonable interpretations of the provisions of this Division and shall hear appeals regarding the application of the provisions of this Division. The Board may recommend to the City Council such new legislation as is consistent with its purposes. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings and shall render all decisions and findings in writing to the appellant and to the City Manager.
(Amended 8-10-1993 by O-17959 N.S.)

§98.0106 Prohibitions and Enforcement Remedies

- (a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, operate, use, occupy or maintain any Residential Occupancy or allow or cause the same to be done, in violation of any provision of the Housing Code or contrary to any order of the Director.
- (b) Violations of the Housing Code may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

- (c) It is unlawful for any owner or operator of a Residential Occupancy to refuse to allow the Director to inspect the Residential Occupancy following a reasonable request and notice pursuant to the provisions of this Division.

(Retitled to "Prohibitions and Enforcement Remedies" and amended 8-10-1993 by O-17959 N.S.)

§98.0107 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

("Strict Liability" added 8-10-1993 by O-17959 N.S.)

§98.0108 Abatement of Substandard Residential Structures

The Director may abate any dangerous, unsafe or substandard residential structure or building pursuant to the administrative abatement procedures set forth in Section 91.0102 of the Municipal Code.

(Amended 1-8-1996 by O-18245 N.S.)

§98.0113 Location on Property

Use zone requirements, building setback, side and rear yard requirements, allowable lot coverage, and property line requirements shall be as required in Chapter 10 of the San Diego Municipal Code.

(Renumbered from Sec. 98.02.3 and amended 9-30-1985 by O-16511 N.S.)

§98.0114 Miscellaneous Maintenance Requirements

Hotplates shall not be installed, maintained or used in any room other than a kitchen.

("Miscellaneous Maintenance Requirements" added 9-30-1985 by O-16511 N.S.)